

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION CORPORATION,  Plaintiff-Applicant,  v.  BERNARD L. MADOFF INVESTMENT SECURITIES LLC,  Defendant.	Adv. Pro. No. 08-01789 (CGM)  SIPA LIQUIDATION  (Substantively Consolidated)
In re  BERNARD L. MADOFF,  Debtor.	
IRVING H. PICARD, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC,  Plaintiff,  v.  KEN-WEN FAMILY LIMITED PARTNERSHIP; KENNETH W. BROWN, in his capacity as a General Partner of the Ken-Wen Family Limited Partnership; and WENDY BROWN, in her capacity as a General Partner of the Ken-Wen Family Limited Partnership,  Defendants.	Adv. Pro. No. 10-04468 (CGM)

**STIPULATION AND ORDER FOR VOLUNTARY DISMISSAL  
OF ADVERSARY PROCEEDINGS WITH PREJUDICE**

Irving H. Picard (the “Trustee”), as trustee for the liquidation of the business of Bernard L. Madoff Investment Securities LLC under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa, et seq., and the substantively consolidated estate of Bernard L. Madoff individually, by and through his counsel, Young Conaway Stargatt & Taylor, LLP, and by Defendant Kenneth W. Brown (“Brown” and collectively, the “Parties”), hereby stipulate and agree to the following:

**WHEREAS**, on December 19, 2017, the Trustee filed an amended complaint against Brown [Adv. ECF No. 82] (the “Amended Complaint”);

**WHEREAS**, on November 9, 2018, Brown filed an answer to the Amended Complaint [Adv. ECF No. 122];

**WHEREAS**, on November 5, 2021, Brown filed a motion for summary judgment [Adv. ECF No. 174];

**WHEREAS**, on December 1, 2021, the Trustee filed a cross-motion for summary judgment [Adv. ECF No. 178];

**WHEREAS**, on March 9, 2022, the Court granted the Trustee’s motion for summary judgment and denied Brown’s motion for summary judgment [Adv. ECF No. 213];

**WHEREAS**, on March 15, 2022, the Court entered judgment in favor of the Trustee [Adv. ECF No. 219];

**WHEREAS**, on May 3, 2022, Brown appealed the Court’s opinion to the District Court [Adv. ECF No. 239];

**WHEREAS**, on July 25, 2023, the District Court remanded the case to the Court for further proceedings [District Court ECF No. 20];

**WHEREAS**, on October 11, 2023, the Parties entered into a settlement agreement and release (the “Settlement Agreement and Release”) pursuant to the Settlement Procedures Order [Madoff ECF No. 3181];

**NOW THEREFORE**; pursuant to the terms of the Settlement Agreement and Release, and in accordance with Federal Rule of Civil Procedure 41(a)(1)(A)(ii) made applicable to these proceedings by Federal Rule of Bankruptcy Procedure 7041, the Parties hereby stipulate to the dismissal with prejudice of the Trustee’s claims against Brown in the above-captioned adversary

proceeding, and the dismissal of the above-captioned adversary proceeding, with all Parties to bear their own attorneys' fees and costs.

The provisions of this Stipulation shall be binding upon and shall inure to the benefit of the Parties as provided in the Settlement Agreement and Release.

This Stipulation may be signed by the Parties in any number of counterparts, each of which when so signed shall be an original, but all of which shall together constitute one and the same instrument. A signed facsimile, photostatic, or electronic copy of this Stipulation shall be deemed an original.

Dated: October 17, 2023  
New York, New York

/s/ Matthew B. Lunn

**Young Conaway Stargatt & Taylor, LLP**

Matthew B. Lunn

Michael S. Neiburg (admitted *pro hac vice*)

Justin P. Duda

Christopher M. Lambe (admitted *pro hac vice*)

Rockefeller Center

1270 Avenue of the Americas, Suite 2210

New York, New York 10020

Telephone: (212) 332-8840

Facsimile: (212) 332-8855

Email: *mlunn@ycst.com*

*mneiburg@ycst.com*

*jduda@ycst.com*

*clambe@ycst.com*

*Attorneys for Plaintiff Irving H. Picard, Trustee  
for the Liquidation of Bernard L. Madoff  
Investment Securities LLC*

/s/ Kenneth W. Brown

Kenneth W. Brown, *pro se*

5975 S. Highway A1A

Melbourne Beach, FL 32951

(561) 542-6669

*kenwbrown@comcast.net*

**Dated: October 18, 2023  
Poughkeepsie, New York**



/s/ Cecelia G. Morris

**Hon. Cecelia G. Morris  
U.S. Bankruptcy Judge**